

REMARKS

As a result of the foregoing amendments, Claims 1, 10, 11, 22-26, 28 and 30 have been amended. Accordingly, Claims 1-8, 10-31 are pending in this application, with Claims 13 and 15-21 having been withdrawn from consideration.

The Office Action indicates that applicant's Request for Continued Examination filed on April 27, 2009 has been entered and that the finality of the previous Office Action has been withdrawn. The Office Action also contains a new grounds of rejection based upon a combination of U.S. Patent No. 3,394,704 to Dery and U.S. Patent No. 1,558,037 to Morton.

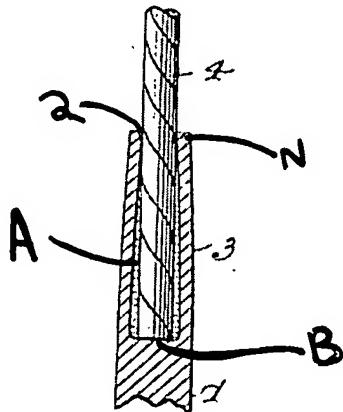
By the foregoing amendments, independent Claim 1 has been amended to clarify features of the invention that distinguish over the prior art references of record. More particularly, amended independent Claim 1 recites that the bottom wall of the hole in the needle has a substantially conical shape with an apex that is distal from a first end of the needle. The armed suture includes **a space between an end of the suture and the conical-shaped bottom wall of the needle, and adhesive is disposed within such space**. The hole has a first diameter at a first location proximate its upper edge and a greater second diameter at a second location proximate the bottom wall. When the adhesive cures, it forms an annular mass that substantially surrounds the end of the suture along the length of the hole (i.e., from the upper edge to and including the bottom wall), so as to be **in continuous contact with the sidewall along the length of the hole**. The annular adhesive mass has an outer diameter that is greater at the

second location than at the first location, thereby forming a mechanical interlock between the suture and the hole.

With reference to the Morton Patent (FIG. 3 of which is reproduced below and has been modified to include reference symbols 2, A, B and N), it discloses a needle (1) that is structurally different than the armed suture recited in amended independent Claim 1. Whereas the Morton Patent needle (1) includes a recess (2) having a **flat bottom wall** (B), the bottom wall of the armed suture recited in amended independent Claim 1 has a **conical shape**. In addition, in direct contrast to the armed suture of amended independent Claim 1, there is no disclosure or suggestion in the Morton Patent of creating a **space** between the bottom wall (B) and the end of the suture (4), and so the flat bottom wall (B) of the Morton Patent **directly engages** an end of the suture (4) when same is inserted into the recess (2).

**Morton Patent**

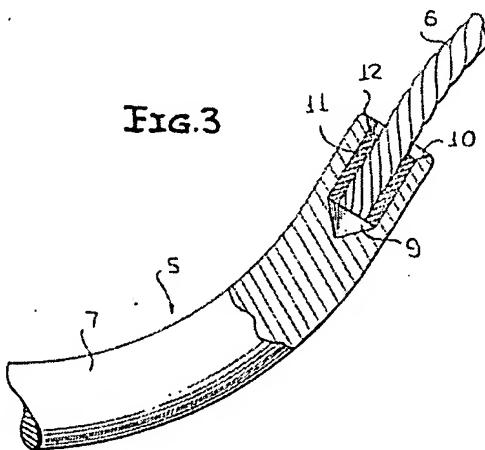
*Fig. 3.*



As illustrated in FIG. 3 of the Morton Patent, the **direct interface** between the end of the suture (4) and the flat bottom wall (B) of the needle (1) precludes the provision of any space therebetween, and therefore prevents any adhesive (A) from being disposed in a space between the end of the suture (4) and the flat bottom wall (B). Further, swaging the neck (N) of the recess (2) constricts it, precluding the inclusion of adhesive (A) at the neck (N). The adhesive (A) of the Morton Patent therefore does **not** continuously contact the sidewall of the recess along the length thereof, as recited in amended Claim 1.

Turning now to the Dery Patent (see FIG. 3, which is reproduced below), it discloses a needle (5) having a body (7) that includes a bore (9) with a conical bottom wall. A bonding agent (11) is adhesively bonded to the wall of the bore (9). However, in direct contrast to the armed suture recited in amended independent Claim 1, the Dery Patent does **not** disclose that the bonding agent (11) may be disposed within a space between the end of the suture (6) and the conical bottom wall of the bore (9).

#### Dery Patent



As also illustrated in FIG. 3, the bore (9) of the Dery Patent has a flared opening (10) with a rounding (12), but the bonding agent (11) does **not** extend into the opening (10). The bonding agent (11) of the Dery Patent therefore does **not** form an annular mass that surrounds the end of the suture (6) **along the length of the bore (9)**, as recited in amended independent Claim 1.

The purpose of the flared opening (10) and the rounding (12) of the Dery Patent needle (5) is “**to eliminate any sharp edge** which the thread (6) can contact when the thread (6) is bent at a sharp angle relative to the needle (5) in the use of the needle” (see Column 3, Lines 2-6 of the Dery Patent). The Dery Patent also discloses that “**no special machining of the needle body is required to provide a mechanical interlock with the thread**” (see Column 3, Lines 32-40, of the Dery Patent). In other words, the opening (10) of the Dery Patent needle (5) is **not** swaged, unlike the recess (2) of the Morton Patent needle (1), which is formed by swaging (see Page 1, Lines 42-46 of the Morton Patent). In such circumstances, applicant’s attorney respectfully submits that one of ordinary skill in the art would **not** apply the technique of “**forming a bottle shape[d]**” blind hole, allegedly taught by the Morton Patent, to the bore (9) of the Dery Patent, as postulated by the Examiner. Performing such an operation on the Dery Patent needle (5) by swaging the flared opening (10) thereof (as disclosed in the Morton Patent) would defeat the aforementioned purpose of the rounding (12) and flared opening (10) of the Dery Patent by creating a sharp edge therein, which would contact and cut the thread (6). Applicant’s attorney therefore respectfully submits that the Dery

Patent actually **teaches away** from the Examiner's postulated combination of same with the Morton Patent.

In the foregoing circumstances, it is respectfully submitted that the Dery Patent and the Morton Patent, whether considered alone or in combination with each other, or with any other cited reference(s), would not anticipate or make obvious applicants' invention, as defined in amended independent Claim 1. It is therefore further respectfully submitted that the prior art rejections of Claim 1 have now been overcome, and that amended independent Claim 1 is in condition for allowance.

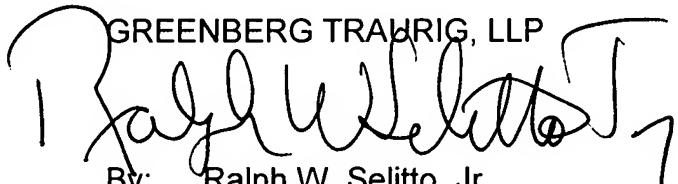
Claims 2-8, 10-12, 14, 22-31 were also rejected in the Office Action on prior art grounds, based on the aforementioned Dery and Morton Patents, and further based on U.S. Patent No. 5,156,615 to Korthoff et al. (i.e., in the rejection of Claims 2-8 and 27-29). Claims 2-8, 10-12, 14, 22-31 all depend (directly or indirectly) from amended independent Claim 1. In such circumstances, applicant's attorney respectfully submits that Claims 2-8, 10-12, 14, 22-31 are also believed to be in condition for allowance for the same reasons as amended independent Claim 1.

In view of the foregoing amendments and remarks, applicant and his attorney respectfully request the reexamination and allowance of Claims 1-8, 10-12, 14, 22-31. If, however, such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Application Serial No. 10/722,945  
Reply to Office Action mailed June 2, 2009  
Amendment filed October 2, 2009

The accompanying Petition for a one-month extension of time authorizes the Examiner to charge the associated \$130 fee to Deposit Account No. 501561. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is hereby authorized to charge them to Deposit Account No. 501561.

Respectfully submitted,

  
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